IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6093 of 2007()

CRMP.3372/2007 of J.M.F.C.,KUNNAMKULAM
[CRIME NO.298/2007 OF VADAKKEKAVU POLICE STATION, THRISSUR]

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: PETITIONER/ACCUSED NO.2:

K. VIJAYA, W/O. LATE KURUPPAYYA,
AGED 45 YEARS, H.NO.V/II, VADAMADHURI PANCHAYAT,
MOTHANNAMPETTY P.O., DINDIGAL DISTRICT,TAMILNADU.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTING A.S.I. OF POLICE, VADAKKEKADU P.S.,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6093 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for regular bail. The petitioner is the second accused. She faces allegations under Section 382 I.P.C. The crux of the allegations is that the petitioner had introduced the first accused to the de facto complainant. It was informed by the second accused that the first accused is a divorcee and is well versed in traditional medicine. She was engaged as a domestic help in the house of the de facto complainant. The first accused allegedly administered a liquid describing it to be a medicine to the de facto complainant. On consuming that, the de facto complainant became unconscious. The first accused made use of the opportunity and decamped from the house of the de facto complainant with a lot of gold ornaments which she could collect from there. Thereafter both the accused were not available. It is the case of the prosecution that accused 1 and 2 had acted in collusion to commit the offence from the house of the de facto complainant. The de facto complainant had to be hospitalised. She was dangerously ill. The gold ornaments have not been recovered yet. The petitioner was arrested on 31/8/2007. The first accused is still at large. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. She has been in custody from 31/8/2007, she may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the petitioner as well as the first accused are persons from Tamil Nadu. Reliable information is received that the petitioner is involved in several other similar crimes. Investigation in such crimes are in progress. In this crime itself the investigation is not complete. The first accused has not been apprehended so far. Investigators in a serious crime like this are certainly entitled for further time to complete the investigation, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. Notwithstanding the fact that even according to the prosecution when the alleged medicine was administered by the first accused, the petitioner was not physically present in the house, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. The investigating officer must be given some further time to complete the investigation, I am satisfied.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation not, at any rate, prior to 22/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007